

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1685 of 2019

Arising Out of PS. Case No.-464 Year-2019 Thana- LAHERIMUHALLA District- Nalanda

Shravan Kumar Son of Lal Babu Sah Resident of Village - Kanti Bhawar,
Gayghat, Main Road, Bajrangpuri, Patna, P.S.- Alamganj, District - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary, Excise Deptt. Govt.Of Bihar, Old Secretariat, Patna Bihar
2. The District Magistrate, Nalanda, Bihar
3. The Superintendent of Police, Nalanda (Bihar)
4. The District Supply Officer (Excise), Nalanda (Bihar)
5. The S.H.O. Laheri P.S. District - Nalanda (Bihar)

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad
For the Respondent/s : Mr. Vikash Kumar

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 07-01-2020 Heard the parties.

The present petition has been filed for appropriate order and direction to the respondents authority to release the bags of rice weighing total 26 quintal (26010 Kg.) (1046 bags), which was seized by the Laheri Police under District-Nalanda, in connection with Laheri P.S. Case No. 464 of 2019, registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

Learned counsel for the petitioner submits that petitioner is running M/s. Durga Traders at Patna, Bihar duly registered under GST bearing License No.10412002000744 and



GST Registration No. 10AJBPK4190MIZC. He further submits that the petitioner has no concern with the seized liquor or truck, he is only concerned with his bags of rice which was purchased and booked by vehicle bearing No. WB-41G-7084. He further submits that the total 26 quintals of seized rice was purchased from Krishna Bhog Rice Industries Pvt. Ltd. and Bharat Mata Mini Rice Mill at Bardhwan, West Bangal. He further submits that, when the petitioner did not get rice at the fixed date, he made an enquiry about the same. Thereafter, he came to know that the alleged Truck was seized by the Laheri Police under Nalanda District in connection with Laheri P.S. Case 464 of 2019 and the petitioner went to the concerned police station and filed an application along with all relevant documents for releasing the bags of rice but the same was not release. He further submits that the petitioner is paying GST to the Government regularly and also the petitioner has no concern with the seized illicit liquor.

Learned counsel for the petitioner has further submitted that the confiscation of rice bags can not be made under Section 56 of the Bihar Prohibition and Excise Act.

On perusal of Section 56 of the Bihar Prohibition and Excise Act, it is evident that confiscation of rice cannot be made



under this Act.

For ready reference, Section 56 of the Act is quoted
hereinbelow:

***56. Things liable for confiscation.-
Whenever an offence has been committed, which is
punishable under this Act.-***

***(a) any intoxicant or liquor unlawfully
imported, transported, manufactured, sold, stored,
possessed, material, utensil, implement, apparatus,
package or covering and or the other contents, if
any, of such receptacle, package or covering for
the purposes of storing, manufacturing or
labelling such intoxicant or liquor;***

***(b) any animal, vehicle, vessel or other
conveyance used for carrying any intoxicant or
liquor; or***

***(c) any premises or part thereof that
may have been used for storing or manufacturing
any liquor or intoxicant or for committing any
other offence under this Act; shall be liable to be
confiscated in a manner prescribed under the
provisions of the Act,***

***(d) The State Government, if deem
necessary, may issue necessary directions,
guidelines, Regulations and instructions with
respect to mode and manner of search, seizure and
confiscation.***

Considering the facts and circumstances of the case, the
submissions advanced on behalf of learned counsel for the
petitioner and the relevant rule in this regard, concerned
Authority is directed to release the bags of rice weighing total



26 quintal (26010 Kg.) (1046 bags), which was seized by the Laheri Police under District-Nalanda, in connection with Laheri P.S. Case No. 464 of 2019 on production of relevant documents/receipt of the purchased rice.

(Arvind Srivastava, J)

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